

**SUMMARIES
OF
GENERAL LAWS ENACTED AND
CONSTITUTIONAL AMENDMENTS PROPOSED
BY THE LEGISLATURE OF ALABAMA
AT THE
FIRST SPECIAL SESSION, 2004
NOVEMBER 8 THROUGH NOVEMBER 16, 2004
AND
THE REGULAR SESSION, 2005
FEBRUARY 1 TO MAY 16, 2005**

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Summaries of the Acts of the 2004 First Special Session.

Act 2004-646, HB1, amends Sections 16-25A-1, 16-25A-4, 16-25A-5, 16-25A-7, 16-25A-8, and 16-25A-9, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to provide for cost sharing of health insurance premiums by employees and retirees covered by PEEHIP. The act also provides for supplemental coverage premium contribution assistance to low income employees and retirees, and participation under a flexible benefits program. ED: November 18, 2004.

Act 2004-647, HB2, amends Sections 36-29-1, 3, 4, 6, 7, 8, 10, 12, and 13, Code of Alabama 1975, relating to the State Employees' Health Insurance Plan, to provide for cost sharing of health insurance premiums by employees and retirees covered by SEHIP. The act also provides for supplemental coverage premium contribution assistance to low income employees and retirees, and participation under the flexible benefits program. ED: November 18, 2004.

Act 2004-648, HB3, provides for cost sharing of health insurance premiums based on years of service by state retirees covered by the State Employees' Health Insurance Plan and provides for supplemental coverage. ED: November 18, 2004.

Act 2004-649, HB4, provides for cost sharing of health insurance premiums based on years of service by state retirees covered by the Public Education Employees Health Insurance Plan and provides for supplemental coverage. ED: November 18, 2004.

Act 2004-650, HB5, allows public education employees to participate in a flexible benefits program and creates a board to administer the program. ED: November 18, 2004.

Summaries of the Acts of the 2005 Regular Session

Act 2005-35, SB109, proposes an amendment to the Constitution of Alabama of 1901, to prohibit the issuance of a marriage license in the state to parties of the same sex and to prohibit the state from recognizing any marriage of parties of the same sex.

EFFECTIVE DATE: Contingent upon ratification.

Act 2005-39, SB79, relates to the State Board of Medical Examiners. The act adds Section 34-24-314 to the Code of Alabama 1975, to authorize the board to purchase and hold property in the name of the board.

EFFECTIVE DATE: June 1, 2005.

Act 2005-40, SB101, is the Alabama Open Meetings Act. The act requires all meetings held by a governmental body, with certain exceptions, to be open to the public and provides civil penalties for violations. The act also repeals Section 13A-14-2, Code of Alabama 1975, prohibiting certain agencies and other governmental bodies from meeting in executive or secret sessions.

EFFECTIVE DATE: October 1, 2005.

Act 2005-68, HB419, makes a supplemental appropriation of \$602,289 from the Alcoholic Beverage Control Board Fund to the Alcoholic Beverage Control Board, \$1,000,000 from the State General Fund to the Alabama Department of Public Health for the AIDS Drug Assistance Program, and \$500,000 from the State General Fund and \$1,200,000 from the Corrections Special Revenue Fund to the Department of Corrections, for the fiscal year ending September 30, 2005.

EFFECTIVE DATE: April 14, 2005.

Act 2005-69, HB296, continues the existence and functioning of the Elevator Safety Review Board pursuant to the Alabama Sunset Law. The act also amends Sections 25-13-2, 25-13-5, 25-13-6, and 25-13-12, Code of Alabama 1975, to define "limited elevator mechanic license," to stagger the terms of office of board members, to designate the State Commissioner of the Department of Labor as the administrator of the board, to create an operational fund in the State Treasury for the board, and to clarify that licenses are renewable biennially.

EFFECTIVE DATE: April 19, 2005.

Act 2005-70, HB297, continues the existence and functioning of the Alabama Manufactured Housing Commission until October 1, 2009, pursuant to the Alabama Sunset Law.

EFFECTIVE DATE: April 19, 2005.

Act 2005-71, HB298, continues the existence and functioning of the Alabama Board of Licensure for Professional Geologists pursuant to the Alabama Sunset Law.

EFFECTIVE DATE: April 19, 2005.

Act 2005-72, HB299, continues the existence and functioning of the State Board of Podiatry until October 1, 2006, pursuant to the Alabama Sunset Law.
EFFECTIVE DATE: April 19, 2005.

Act 2005-73, HB300, continues the existence and functioning of the Board of Dental Examiners pursuant to the Alabama Sunset Law. The act also amends Section 34-9-18, Code of Alabama 1975, to authorize the board to discipline any dentist or dental hygienist who violates any provision of Chapter 9, Title 34, Code of Alabama 1975, providing for the regulation of dentists and dental hygienists.
EFFECTIVE DATE: April 19, 2005.

Act 2005-74, SB311, exempts the gross proceeds from the sale or sales of materials or supplies to any person for the use in fulfilling a contract for the painting, repair, conversion, modification, or reconditioning of aircraft weighing 30,000 pounds gross weight or more if the materials and supplies enter into and become a component part of the aircraft from county sales and use tax in Class 2 municipalities.
EFFECTIVE DATE: April 19, 2005.

Act 2005-77, HB301, continues the existence and functioning of the Alabama Board of Optometry pursuant to the Alabama Sunset Law. The act also amends Sections 34-22-20, 34-22-23, and 34-22-41, Code of Alabama 1975, to require that an applicant for licensure be a legal resident, in lieu of a citizen, of the United States, to authorize the board to accept a passing grade on a national examination, in lieu of a passing grade on a board examination, for licensure, to clarify that violating the standards of professional conduct is grounds for punishment by the board, and to increase the per diem allowance for board members from \$125 to \$250.
EFFECTIVE DATE: April 28, 2005.

Act 2005-78, HB302, continues the existence and functioning of the Alabama State Board of Veterinary Medical Examiners pursuant to the Alabama Sunset Law.
EFFECTIVE DATE: April 28, 2005.

Act 2005-79, HB303, continues the existence and functioning of the Board of Examiners of Nursing Home Administrators pursuant to the Alabama Sunset Law.
EFFECTIVE DATE: April 28, 2005.

Act 2005-80, HB304, continues the existence and functioning of the Alabama Board of Examiners for Speech-Language Pathology and Audiology pursuant to the Alabama Sunset Law.
EFFECTIVE DATE: April 28, 2005.

Act 2005-81, HB305, continues the existence and functioning of the State Board of Chiropractic Examiners pursuant to the Alabama Sunset Law.
EFFECTIVE DATE: April 28, 2005.

Act 2005-82, HB306, continues the existence and functioning of the Board of Physical Therapy pursuant to the Alabama Sunset Law.
EFFECTIVE DATE: April 28, 2005.

Act 2005-86, HB412, proposes an amendment to Amendment 567 to the Constitution of Alabama of 1901 (Official Recompilation of the Constitution of Alabama of 1901, Local Amendments, Elmore County, §4), pertaining only to Elmore County, to authorize the Legislature, by local law, to authorize the governing body of Elmore County to increase the fee for fire protection services and emergency medical care from \$25 to \$50 per residence and from \$50 to \$100 per business located in the county. The act also proposes to repeal Act 92-660, 1992 Second Special Session, which proposes a constitutional amendment relating to the same subject matter and has not been ratified.
EFFECTIVE DATE: Contingent upon ratification.

Act 2005-87, HB568, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Crenshaw County, to reduce the salary of the judge of probate, beginning with the next term of office, by repealing Amendment 496 to the Constitution of Alabama of 1901 (Official Recompilation of the Constitution of Alabama of 1901, Local Amendments, Crenshaw County, §4). Amendment 496 provides that the judge of probate receive the same salary as the district judge in the county.
EFFECTIVE DATE: Contingent upon ratification.

Act 2005-91, HB294, continues the existence and functioning of the Alabama Board of Athletic Trainers pursuant to the Alabama Sunset Law. The act also amends Section 34-40-5, Code of Alabama 1975, to resolve a conflict with Section 34-40-3, Code of Alabama 1975, regarding certain fees for the application for and renewal of licenses.
EFFECTIVE DATE: May 5, 2005.

Act 2005-105, HB208, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Mobile County, to authorize the City of Prichard to establish an Alabama Foreign Trade Investment Zone as a special tax district for the purpose of importing duty free and quota free articles eligible under the United States General System of Preferences and the Africa Growth and Opportunities Act, or for other purposes of enhancing economic development opportunities and job opportunities within the city, to specify that the value of land and improvements on the land within the district be assessed and taxed for ad valorem tax purposes by county tax officials under a single site valuation system, and to provide further for the contractual powers of nonprofit organizations.
EFFECTIVE DATE: Contingent upon ratification.

Act 2005-106, HB310, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Mobile County, to provide that the employees of the office of the Sheriff of Mobile County, except for all appointed or contract employees, shall be under the authority of the Personnel Board of Mobile County while continuing to maintain their status as state constitutional officers.

EFFECTIVE DATE: Contingent upon ratification.

Act 2005-107, HB780, proposes an amendment to Amendment 358 to the Constitution of Alabama of 1901 (Official Recompilation of the Constitution of Alabama of 1901, Local Amendments, Tuscaloosa County, §5), pertaining only to Tuscaloosa County, to authorize districts for fire protection and garbage disposal to include territory within the corporate limits of a municipality having a population of 10,000 or less with the approval of the municipal governing body.

EFFECTIVE DATE: Contingent upon ratification.

Act 2005-108, HB690, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Colbert County, to repeal Amendment 144 to the Constitution of Alabama of 1901 (Official Recompilation of the Constitution of Alabama of 1901, Local Amendments, Colbert County, §2), which requires any local law that changes the form of government, abridges the term of any officer, or changes the compensation and allowances of any officer of the county or any municipality or political subdivision located in the county to be approved at an election to be operative.

EFFECTIVE DATE: Contingent upon ratification.

Act 2005-109, HB677, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Blount County, to subject the employees of the office of the Sheriff of Blount County, except for the chief deputy and chief clerks, to the authority of the Merit System Board of Blount County.

EFFECTIVE DATE: Contingent upon ratification.

Act 2005-110, SB114, is the Communications Reform Act of 2005. The act adds Chapter 2A, Title 37, to the Code of Alabama 1975, to limit the jurisdiction of the Public Service Commission over certain telecommunications services offered by local exchange carriers and intrastate inter-exchange carriers. The act specifies that certain telecommunications services would not be subject to the jurisdiction of the Public Service Commission, specifies the amount of expenditures required by a local exchange carrier to deliver basic telephone service to a new business or residence, and further regulates the retail price of basic telephone service. The act provides that the taxes paid by telecommunications providers would not be affected and provides for an application fee for any new entrant applying for a certificate of convenience. The act also provides further for the payment of supervision and inspection fees to the commission and for the jurisdiction of the commission over certain complaints by subscribers.

EFFECTIVE DATE: August 1, 2005.

Act 2005-111, SB355, adds Section 11-98-5.1 to the Code of Alabama 1975, to provide for the maximum tariff for the purpose of determining emergency telephone service charges pursuant to the Communications Reform Act of 2005.

EFFECTIVE DATE: May 5, 2005.

Act 2005-112, HB540, amends Section 11-99-4, Code of Alabama 1975, relating to tax increment districts in counties and municipalities, to require that the governing body of a Class 3 municipality creating a tax increment district make a finding that the total equalized value of taxable property within a proposed district and all existing districts does not exceed 20 percent of the equalized value of the property within the municipality.

EFFECTIVE DATE: May 5, 2005

Act 2005-168, SB18, amends Section 18-1A-276, Code of Alabama 1975, relating to eminent domain proceedings in the probate court, to increase the time within which the probate court is required to conduct a hearing after a complaint has been filed from 30 to 45 days.

EFFECTIVE DATE: August 1, 2005.

Act 2005-169, SB66, amends Sections 22-5-3, 22-5-4, and 22-5-5, Code of Alabama 1975, relating to the State Commission on Physical Fitness, to decrease the membership of the commission from 25 to seven members, one appointed from each congressional district in the state, to provide for the diversity of the membership, and to authorize the commission to promote the programs and events of the Alabama Sports Festival and the Alabama Sports Foundation, Incorporated.

EFFECTIVE DATE: May 13, 2005.

Act 2005-171, SB6, proposes an amendment to Amendment 640 to the Constitution of Alabama of 1901 (Official Recompilation of the Constitution of Alabama of 1901, Local Amendments, Geneva County, §4), pertaining only to Geneva County, to specifically include the sheriff within the group of certain elected and appointed county officials prohibited from participating in the supernumerary program and allowed to participate in the Employees' Retirement System.

EFFECTIVE DATE: Contingent upon ratification.

Act 2005-172, HB257, appropriates \$7,688,198 from the Education Trust Fund to Tuskegee University in Tuskegee, Alabama, for the fiscal year ending September 30, 2006.

EFFECTIVE DATE: October 1, 2005.

Act 2005-173, HB248, is the Education Trust Fund Budget. The act makes appropriations for the support, maintenance, and development of public education, for debt service, and for capital outlay for the fiscal year ending September 30, 2006.

EFFECTIVE DATE: October 1, 2005.

Act 2005-174, HB253, provides active public education employees a pay increase of six percent beginning with the fiscal year 2005-2006, provides public education support employees a six percent cost-of-living adjustment, and provides an across-the-board salary increase of all two-year postsecondary salary schedules. The act also provides a four percent cost-of-living adjustment for certain retirees and beneficiaries of the Teachers' Retirement System to become effective October 1, 2005.

EFFECTIVE DATE: May 16, 2005.

Act 2005-180, HB134, makes a supplemental appropriation of \$80,000,000 from the Alabama Capital Improvement Trust Fund to the Alabama State Port Authority for the fiscal year ending September 30, 2005.

EFFECTIVE DATE: May 23, 2005.

Act 2005-181, HB152, amends Section 20-2-190, Code of Alabama 1975, as amended by Act 2004-564, to further regulate and restrict the sale of products containing ephedrine or pseudoephedrine. The act limits access to such products, requires registration by purchasers of the products and inspection of the register by the Alabama State Board of Pharmacy, and requires any wholesaler, manufacturer, or repackager of drug products to annually register with the Alcoholic Beverage Control Board. The act also provides additional penalties for violations, revises the membership and duties of the Alabama Methamphetamine Abuse Task Force, and authorizes the task force to expend funds from any source.

EFFECTIVE DATE: July 1, 2005.

Act 2005-183, HB254, appropriates \$193,328 from the Education Trust Fund to the Lyman Ward Military Academy in Camp Hill, Alabama, for the fiscal year ending September 30, 2006.

EFFECTIVE DATE: October 1, 2005.

Act 2005-184, HB255, appropriates \$414,278 from the Education Trust Fund to the Marion Military Institute in Marion, Alabama, for the fiscal year ending September 30, 2006.

EFFECTIVE DATE: October 1, 2005.

Act 2005-185, HB256, appropriates \$685,009 from the Education Trust Fund to Talladega College in Talladega, Alabama, for the fiscal year ending September 30, 2006.

EFFECTIVE DATE: October 1, 2005.

Act 2005-193, SB42, amends Section 40-7-25.2, Code of Alabama 1975, relating to property tax, to require the tax assessor or revenue commissioner to timely notify, in writing, the new owner of Class III property of the requirement to apply for current use valuation of the property.

EFFECTIVE DATE: August 1, 2005.

Act 2005-198, HB258, amends Section 16-1-8.1, Code of Alabama 1975, relating to classroom instructional support. The act requires any funds allocated by the Legislature for student materials to be given directly to teachers for use in their classrooms and funds provided to schools for common purchases to be expended according to the decisions of the local school budget committee. The act also adds common purchases to the elements of classroom instructional support and provides for certain supplemental allocations of student material allotments for common purchases.

EFFECTIVE DATE: October 1, 2005.

Act 2005-200, SB129, is the “Alabama Limited Self-Governance Act.” The act authorizes the several counties of the state to exercise additional powers under certain conditions, provides for the approval of licenses to sell alcoholic beverages in certain counties, and provides that this act would be effective in a county only upon approval at a referendum in the county.

EFFECTIVE DATE: May 26, 2005.